

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KURTIS MONSCHKE,

Petitioner,

V.

JAMES N. CROSS and BERNARD
WARNER,

Respondents.

No. C11-5276 RBL/KLS

ORDER ON PETITIONER'S SECOND
MOTION FOR EXTENSION OF TIME,
APPOINTMENT OF COUNSEL, AND
TRANSFER

Petitioner Kurtis Monschke filed his pro se petition under 28 U.S.C. § 2254 on April 12, 2011. ECF No. 1. His petition challenges various aspects of his Pierce County trial and raises nine grounds for relief under the federal Constitution. The case was stayed for several months while Mr. Monschke pursued a personal restraint petition in the Washington appellate courts. ECF No. 20. The stay was lifted on November 30, 2011. ECF No. 24. On January 13, 2012, Respondents filed an answer and submitted relevant portions of the state-court record. ECF Nos. 25 and 26. Respondents agreed that Mr. Monschke had exhausted his state remedies with respect to each of the claims. ECF No. 25 at 11. On January 30, 2012, Mr. Monschke filed a motion requesting (1) a six-month extension of time to file a reply memorandum, (2) the appointment of counsel, and (3) transfer to a Washington State prison facility. ECF No. 27.

On February 17, 2012, the Court granted Mr. Monschke a 60-day extension in which to file a reply but otherwise denied his motions. ECF No. 29. On April 2, 2012, Mr. Monschke filed a 72-page reply memorandum addressing the merits of his habeas claims. ECF No. 30. On April 4, 2011, Mr. Monschke filed an “Amendment or Supplemental Addendum to Petitioner’s

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1 Second Motion for Extension of Time, Appointment of Counsel, and Custody Transfer.” ECF
2 No. 31. He again seeks an extension of time, the appointment of counsel, and, a custody
3 transfer. ECF No. 31. He claims that he does not have access to a Washington contract attorney
4 as represented by Thomas G. Bohon, Jr. in his declaration (see ECF No. 28-1) because mail sent
5 to that attorney was returned marked “vacant”. He claims that his “legal mail” is delayed and is
6 being opened outside of his presence and that he has not been provided access to the law library.
7 ECF No. 31, at 1-2.

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9 Mr. Monschke was given a sixty day extension of time until April 13, 2012 to file his
10 reply to Respondent’s answer. ECF No. 29. His reply was timely filed on April 2, 2012. ECF
11 No. 30. It is hand-written, single-spaced, and 73 pages long. His response is replete with
12 citations to the record and legal authority. The Court finds no grounds to grant any further
13 extension of time or to revisit its previous rulings on Mr. Monschke’s motions for the
14 appointment of counsel and custody transfer.

15 Accordingly, it is **ORDERED**:

16 (1) Petitioner’s motion (ECF No. 31) is **DENIED**.
17 (2) The Clerk shall send a copy of this Order to Petitioner and counsel for
18 Respondent.

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20 **DATED** this 7th day of May, 2012.

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23 Karen L. Strombom
24 United States Magistrate Judge
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